

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**OCTOBER 14, 2008**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, October 14, 2008 at 9:17 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Ceasar C. Mitchell, Vice-Chair**  
**The Honorable Howard Shook**  
**The Honorable Clair Muller**  
**The Honorable Ivory L. Young, Jr.**

The following member was absent:

**The Honorable Natalyn M. Archibong**

Others present at the meeting were: M. Theresa Stewart, Marc Goncher, Renee Sheperd and Stephanie Grant, Law Department; Deputy Commissioners George Barnes, Sheila Pierce and Sally Mills, Department of Watershed Management; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:17 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. THE BUSINESS RECYCLING TASK FORCE RECOMMENDATIONS - RESCHEDULED FOR OCTOBER 28, 2008**

### **CONSENT**

#### **E. ORDINANCES FOR FIRST READING**

- 08-O-1922 ( 1)     An Ordinance by City Utilities Committee authorizing the Mayor to enter into an Agreement to allow Vulcan Materials Company, LP to access the property known as the Bellwood Quarry to fulfill its reclamation obligations to the State of Georgia and the City of Atlanta; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**ORDINANCES FOR FIRST READING (CONT'D)**

- 08-O-1923 ( 2)     An Ordinance by Utilities Committee amending the 2008 (Intergovernmental Grant Fund) Budget, Department of Watershed Management, by adding to anticipations and appropriations in the amount of \$100,000.00 for an Urban Area Security Initiative (UASI) Reimbursement Grant from the Georgia Water/Wastewater Agency Response Network to fund the acquisition of an itemized specific inventory of equipment, supplies, and skill-sets related to emergency response; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 08-O-1924 ( 3)     An Ordinance by Utilities Committee to **abandon** a portion of Old Hapeville Road, SW located between Baker Drive and I-75 consisting of 0.468 acre, more or less, and being more specifically described in the attached exhibit "A" lying and being in Land Lot 68 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 10/28/08 at 9:00 a.m.)**

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**F.     COMMUNICATIONS**

- 08-C-1904 ( 1)     A Communication by Mayor Shirley Franklin re-appointing **Ms. Amy Phuong** to serve on the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

- 08-C-1905 ( 2)     A Communication by Mayor Shirley Franklin re-appointing **Mr. Aaron Turpeau** to serve on the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

**City Utilities Committee Minutes**  
**October 14, 2008**  
**Page Three**

**G. ORDINANCES FOR SECOND READING**

- 08-O-1782 ( 1)     An Ordinance by City Utilities Committee correcting Ordinance Number 08-O-1274 adopted by the Atlanta City Council on July 21, 2008 and approved by the Mayor on July 28, 2008; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 08-O-1886 ( 2)     An Ordinance by City Utilities Committee authorizing the Mayor to revise the existing "Panther Trail" transmission easement with the Georgia Power Company so as to create a new easement that will include an area below the existing easement to be used for the construction, housing, and maintenance of a natural gas pipeline; and directing that the revised easement be located on City owned property at Panther Trail, Atlanta in Land Lot 231 of the 14<sup>th</sup> District, Fulton County, Georgia; and directing that the revised easement have a term of fifty years; and authorizing that the City accept a payment of \$3,600.00 from Georgia Power Company in exchange for receiving the easement, where said funds shall be deposited into FDOA: 7701 (Trust Fund) 140201 (Department/Org) 3479003 (Account) 6210000 (Function Activity) 100247 (Project) 91494 (Funding Source); and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 08-O-2029 ( 3)     An Ordinance by Councilmember Howard Shook to amend Ordinance 04-O-2031; to amend the date by which the dedication of the street must occur; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

H. PAPERS HELD IN COMMITTEE

- 06-O-0937 ( 1) An Ordinance by Councilmember Clair Muller **as substituted and amended by City Utilities Committee** to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes.  
**(Councilmember Muller made a motion to approve on substitute as amended on condition)**

FAVORABLE ON SUBSTITUTE AS AMENDED ON CONDITION

- 07-R-1214 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

HELD

- 07-O-1521 ( 3) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

HELD

**City Utilities Committee Minutes**  
**October 14, 2008**  
**Page Five**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-2505 ( 4)     An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

**HELD**

- 07-O-2604 ( 5)     An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

**HELD**

- 07-O-2605 ( 6)     An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**

**HELD**

- 08-O-0481 ( 7)     An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**

**HELD**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1000 ( 8)     An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes.     **(Held 5/13/08 for further review.)**

**HELD**

- 08-O-1213 ( 9)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

- 08-O-1215 (10)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

- 08-O-1217 (11)     An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

**City Utilities Committee Minutes**  
**October 14, 2008**  
**Page Seven**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-R-1445 (12) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$ \_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08)**

**HELD**

- 08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**

**HELD**

- 08-R-1860 (14) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to enter into an appropriate contractual agreement with GSC Atlanta, Inc., for FC-4747, South River Tunnel and Pumping Station on behalf of the Department of Watershed Management, in an amount not to exceed \$111,684,927.00. That all services for said contracted work for Fiscal Year 2009 shall be charged to and paid from Fund, Project 17110345, Task 102, Award 505281387, Expenditure 5414002 and organization COA and Fund Department Organization and Account Number \_\_\_\_\_ (to be built by Finance Department); and for other purposes.  
**(Councilmember Shook made a motion to forward on substitute with no recommendation on condition.)**

**FORWARDED ON SUBSTITUTE WITH NO  
RECOMMENDATION ON CONDITION**

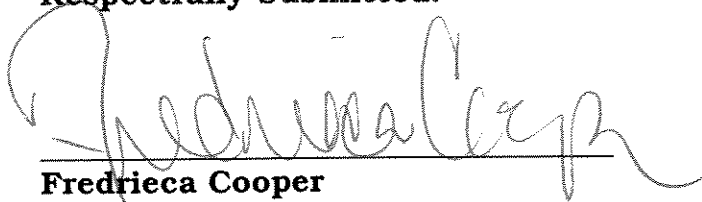

**City Utilities Committee Minutes**  
**October 14, 2008**  
**Page Eight**

**I. REQUESTED ITEM**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

**There being no further business to come before the Committee, the meeting was adjourned at 10:12 a.m.**

**Respectfully Submitted:**

  
**Fredrieca Cooper**  
**Legislative Assistant**  
**Alfred Berry, Jr.**  
**Research and Policy Analyst**  
**The Honorable Carla Smith, Chair**  
**City Utilities Committee**